

## Message Text

CONFIDENTIAL

PAGE 01 STATE 039617

43

ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 SSO-00 INRE-00 L-02

PA-01 PRS-01 USIE-00 SS-15 NSC-05 /047 R

DRAFTED BY EB/OA:MHSTYLES:VLV

APPROVED BY EB/OA:MHSTYLES

ARA/EP - MR. KING

CAB - MR. LITTON (SUB)

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O R 212002Z FEB 75 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY LIMA NIACT IMMEDIATE

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L STATE 039617

E.O. 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR DISPUTE WITH PERU

REF: LIMA 1443, 1405, STATE 35468

1. FYI. AUTHORIZATION HAS BEEN GRANTED TO INITIATE ACTION  
LOOKING TO SUSPENSION AEROPERU'S SERVICES TO U.S. END FYI.

2. DESPITE NEW GOP OVERTURES, DEPT HAS CONCLUDED CAB  
SHOULD PROMPTLY PROCEED TO INITIATE SUSPENSION ACTION. OUR  
EXPERIENCE IN PAST FEW WEEKS IN DELAYING ACTIONS ON OUR  
PART IN RESPONSE TO PERUVIAN NEGOTIATING INITIATIVES HAS  
RESULTED ONLY IN BACKTRACKING BY AEROPERU. WHILE LATEST  
INITIATIVE IS WELCOME AND MAY HOLD PROMISE, WE BELIEVE  
THERE IS SIGNIFICANT RISK THAT A FURTHER DELAY ON OUR PART  
WILL ONLY LEAD TO FURTHER STERILE DISCUSSIONS AND THAT TIME  
HAS COME TO GIVE PERU VISIBLE EVIDENCE THAT WE MEAN WHAT WE  
HAVE SAID.

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PAGE 02 STATE 039617

3. ACCORDINGLY, CAB WILL AT 11:00 AM EDT ON FEBRUARY 24 ISSUE AN ORDER REQUIRING AEROPERU TO SHOW CAUSE WHY ITS FOREIGN AIR CARRIER PERMIT AUTHORIZING AIR SERVICE TO THE UNITED STATES SHOULD NOT BE CANCELLED. INTERESTED PARTIES ARE GIVEN 20 DAYS IN WHICH TO FILE OBJECTIONS WITH CAB AND REQUEST AN EVIDENTIARY HEARING AND ANY FINAL DECISION

REQUIRES PRESIDENTIAL APPROVAL. WE WILL CONFIRM CAB ACTION BY TELEPHONE MONDAY MORNING. TEXT OF CAB ORDER WILL BE TRANSMITTED SEPTEL.

4. IN VIEW OF LATEST GOP INITIATIVE, DEPT HAS DECIDED NOT TO ISSUE PRESS RELEASE AS ORIGINALLY CONTEMPLATED. SUCH RELEASE MIGHT BE VIEWED BY GOP AS NEGATIVE AND PRECIPITOUS USG RESPONSE TO GOP INITIATIVE. WE CAN ADOPT POSTURE INSTEAD THAT CAB ORDER IS RESULT OF THE OPERATION OF ADMINISTRATIVE PROCESS IN KEEPING WITH STATEMENTS MADE BY USDEL DURING TALKS (PARTICULARLY STATEMENT MADE ON JANUARY 23) AND THAT, WHILE IT STARTS THE CLOCK TICKING, IT DOES NOT FORECLOSE FURTHER NEGOTIATIONS. ANALOGY CAN ALSO BE DRAWN BETWEEN PERMIT ISSUED BY PERU TO BRANIFF, WHICH ALSO STARTED CLOCK TICKING AND WHICH DID NOT FORECLOSE NEGOTIATIONS.

5. CAB WILL ISSUE PRESS RELEASE AS PART OF ITS STANDARD PRACTICE. TEXT WILL BE CABLED.

6. EMBASSY SHOULD ASAP AFTER CONFIRMATION CAB ACTION MONDAY MORNING, ADVISE GOP OFFICIALS OF ACTION TAKEN. IN EXPLAINING ACTION, EMBASSY MAY DRAW ON CHARACTERIZATION SUGGESTED PARA 4 ABOVE AND ON POINTS MADE IN NOW-CANCELLED DEPT PRESS RELEASE (STATE 35468). AMBASSADOR MAY ALSO WISH ADVISE AMBASSADOR-DESIGNATE ARCE AND OTHERS THAT BRANIFF IS PREPARED TO RESPOND TO AN AEROPERU INITIATIVE ON THE ASSUMPTION THAT THIS WOULD INVOLVE POSITIVE PERUVIAN PROPOSALS DESIGNED TO RESOLVE THE OBJECTIONS WHICH BRANIFF HAS HAD TO EARLIER AEROPERU PROPOSALS.

7. FYI. CAB MAY ALSO SEND TO PRESIDENT AN ORDER UNDER PART 213 OF CAB REGULATIONS PROPOSING TO DISAPPROVE ALL BUT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 039617

ONE WEEKLY ROUNDTrip AEROPERU FLIGHT TO MIAMI. IF PRESIDENT DID NOT VETO THIS PROPOSAL WITHIN TEN DAYS, CAB ORDER WOULD THEN BE MADE PUBLIC AND AEROPERU WOULD BE REQUIRED TO REDUCE ITS FLIGHTS 30 DAYS THEREAFTER. WE WILL HOLD OPEN OPTION OF TAKING THIS ADDITIONAL STEP UNTIL WE SEE PERU'S REACTION TO SHOW CAUSE ORDER. ADVANTAGE PART 213 PROCEDURE LIES IN FIXING A FIRM DATE ON WHICH RESTRICTIONS ON AEROPERU WOULD TAKE EFFECT, AS WELL AS

SIGNIFYING PRESIDENTIAL APPROVAL OF RETALIATORY  
ACTION. END FYI. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, AIR TRAFFIC, DIPLOMATIC DISCUSSIONS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE039617  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MHSTYLES:VLV  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
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**Office:** ORIGIN EB  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 LIMA 1443, 75 1405, 75 STATE 35468  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 SEP 2003 by CunninFX>; APPROVED <03 SEP 2003 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVIL AIR DISPUTE WITH PERU  
**TAGS:** EAIR, PE, US, BRANIFF, AEROPERU  
**To:** LIMA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006